

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED
JAMES BONINI
CLERK

2004 JAN 22 PM 1:06

DAVID BILLUPS,
PLAINTIFF,

-vs-

JAMES MCWEENEY, ET AL.,
DEFENDANTS.

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
CASE NO. C-1-01WEST DIV CINCINNATI
JUDGE SPIEGEL
MAGISTRATE JUDGE HOGAN

MOTION TO WITHDRAW

THE NOTICE OF APPEAL

Plaintiff, David Billups, moves this Court to withdraw the Notice of Appeal as it is filed prematurely.

POINT I

There are several Motions left to be decided in this case. Further, the Summary Judgment Motion as to Defendant Obregon has yet to be decided.

As there has yet to be a final judgment disposing of this entire case, Plaintiff's Notice of Appeal is filed prematurely and should be withdrawn and filed at the appropriate time.

Respectfully Submitted,

1st DAB
David Billups,
P.O. Box 7010-211903
Chillicothe, Ohio 45601

CERTIFICATE OF SERVICE

I hereby certify a copy of the foregoing has been served to Counsel for Defendants at: Marianne Pressman#0059512, 441 Vine Street, Cincinnati, Ohio 45202 this 19th day of January 2004 by regular U.S. Mail.

1st DAB
David Billups